

FINDING OF NO SIGNIFICANT IMPACT TENNESSEE VALLEY AUTHORITY

RANDY ROLLISON — REQUEST FOR SECTION 26a APPROVAL OF COMMERCIAL MARINA AND LOADING DOCK — SHOAL CREEK MILE 1.4, RIGHT BANK OPPOSITE TENNESSEE RIVER MILE 264.4, RIGHT BANK WILSON RESERVOIR, LAUDERDALE COUNTY, ALABAMA

The applicant, Randy Rollison, proposes to construct a commercial marina at Shoal Creek Mile 1.4, right bank, opposite Tennessee River Mile 264.4, right bank (Wilson Reservoir), Lauderdale County, Alabama. The proposal involves constructing the marina within a 300-foot-long (extending from the shore) by 321-foot-wide area adjacent to an existing concrete seawall fronting Mr. Rollison's property on Shoal Creek. The construction design would consist of a floating access walkway parallel to the seawall, one dock with seven boat slips, one fuel and pump-out dock containing four slips, and one walkway adjacent to a fixed boat launching/loading platform. The platform would be constructed by driving sheet steel pilings from a barge, filling the area with washed gravel, and capping with about 623 cubic yards of concrete. Floor elevation of the platform would be 2.5 feet above normal summer pool elevation of 507.5-foot mean sea level (msl). The proposed marina facilities would be protected within an L-configured floating breakwater. Surfaces of the walkways, docks, and breakwater would be approximately 18 inches above the water, and all floating structures would be secured with telescoping spud poles or anchored cables. Land-based activities would include construction of a 300-slip dry stack storage building, ship store, restaurant, and retail space. The marina and associated amenities would serve the boating public on Wilson Reservoir, including transients who would only moor their boats for a short time.

The proposed boat walkways, boat slips, launch ramp, loading dock, and shoreline structures require approval under Section 26a of the *Tennessee Valley Authority (TVA) Act*. The scope of TVA's environmental review of this proposal includes the water use facilities as well as the dry stack storage building and related land-based facilities. The U.S. Army Corps of Engineers (USACE) prepared an environmental assessment (EA) of the proposed action, which is incorporated by reference. TVA was a cooperating agency in the preparation of this EA.

The EA evaluates three alternatives: (1) the No Action Alternative, (2) the Applicant's Proposed Action, and (3) the Applicant's Proposed Action With Added Special Conditions. Under the No Action Alternative, USACE and TVA would not issue the necessary approvals and the proposed water use facilities would not be constructed. Under either Action Alternative, USACE would issue the necessary approval and TVA would issue approval under Section 26a of the *TVA Act* to construct the desired waterfront facilities. The two Action Alternatives differ in the number of special conditions and mitigation measures imposed to reduce potential environmental impacts; many of the conditions included in Alternative 3, the preferred alternative, are standard requirements for TVA approvals.

The applicant's private property is located approximately 0.25 mile outside the city limits of Florence, Alabama. The City of Florence does not currently exercise its zoning regulations within the extraterritorial zoning jurisdiction; therefore, the property would not be subject to government approval for a commercial use variance.

Impacts Assessment

Water quality would be temporarily affected by construction activities in association with implementation of this proposal. Approval would be conditioned so that the applicant must employ best management practices during, and for an appropriate time following, construction phases. The proposed facility operations would include a fueling area where the accidental discharge of petroleum products into the water could occur. Negligible amounts of spillages would be dissipated rather quickly by evaporation and normal water circulation in Shoal Creek. Proper operating, safety, and good housekeeping procedures, outlined in a Spill Prevention, Control, and Countermeasures Plan (SPCC) to comply with federal regulations, are expected to be followed at the marina, and therefore, water quality impacts of petroleum spills would be minor. A sewage pump-out station for vessels with holding tanks, as proposed by the applicant, could also benefit water quality. Additionally, effluent from this facility would be pumped into the Florence city sewer system, or if needed temporarily, the applicant would use an approved septic system on his property. Therefore, water quality or aquatic life impacts are expected to be minor. The contribution of boats from the proposed marina is not expected to significantly reduce safety for the boating public on this reach of Shoal Creek and Wilson Reservoir, as long as recreational boaters follow safe boating practices and the U.S. Coast Guard-recommended safety zones around commercial boat and barge traffic on the river. Because of project design features, nearby land uses including the existing downstream commercial harbor, the U.S. Highway (US) 72 bridge, and the increasing commercial development along the highway in this part of Florence, area aesthetics are not expected to be greatly diminished by the proposed facility. Even with the addition of the proposed marina and future traffic projections, the level of service for US 72 and Maury Lane would remain unchanged. Any minor changes in ground-based traffic flow or patterns attributable to the proposed marina, shoreline, and other associated land-based development would not significantly decrease safety in the vicinity of this project. Existing noise levels would not significantly increase.

The EA concludes that no significant adverse effects on fish and wildlife resources are expected to result from the project. The EA also concludes that no federally or state-listed endangered or threatened species would be affected; the U.S. Fish and Wildlife Service (USFWS) concurred with this determination in correspondence dated September 30, 2008. No wetlands would be affected. All water use facilities would be constructed at or below elevation 509.34 msl, the limits of TVA's flowage easement. Consistent with Executive Order 11988, TVA considers these docks and minor fill associated with ramp and loading dock constructions to be repetitive actions in the floodplain that would result in minor impacts.

Adjacent to the proposed marina, a historic bridge remains as a remnant of an Alabama Department of Transportation replacement project. It was previously determined to be eligible for listing in the National Register of Historic Places. The viewshed of the historic bridge has already been compromised by the recent construction of the adjacent four-lane US 72 bridge spanning Shoal Creek just south of the historic bridge. Due to previous development in the area, TVA determined that the historic bridge would not be affected. No archaeological resources would be affected. The Alabama Historical Commission (AHC) concurred with these findings in a letter dated May 15, 2008.

Public and Intergovernmental Review

The USACE and TVA issued Joint Public Notice (JPN) No. 07-100 on January 9, 2008, to advertise the proposal. In order to allow adjacent property owners, inadvertently omitted from the initial notice, an opportunity to comment, copies of the notice were provided to them, and the comment period was extended to March 14, 2008. The 35 written responses included letters

from the Alabama Department of Conservation and Natural Resources, the AHC, and private citizens. These comments and the applicant's response to them are included in the EA. Issues raised included water quality, aquatic life, recreational boating, navigation safety, transportation/traffic, aesthetics, public health, environment (sanitary sewer), and noise.

On September 9, 2008, TVA issued a draft of the EA for public review by posting it on the TVA web site and mailing copies to federal, state, and local agencies, private individuals, and citizens groups, including the applicant and interested citizens who had previously commented on the public notice. Following review of the draft EA and conversations with Mr. Rollison, Alabama Department of Environmental Management stated that it does not object to construction of the commercial marina and loading dock as proposed. The USFWS stated that it had reviewed the DEA, that no significant adverse effects on fish and wildlife resources were expected to result from the project and had no objections to issuance of the requested approvals. Comments on the draft EA were also received from six private citizens who expressed the same concerns as respondents to the JPN. All relevant issues raised in these comments have been addressed, as appropriate, in the final EA.

Mitigation and Special Permit Conditions

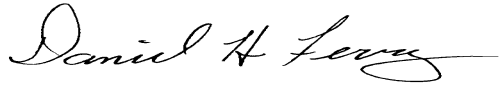
In addition to adherence to general and standard conditions for water quality protection contained in the Section 26a approval and measures included in the anticipated SPCC, TVA's approval is contingent on adherence to the following special conditions:

1. The applicant must install and maintain, at his own expense, adequate safety lights, reflectors, and/or signals that would allow the boating public to recognize the marina's water-based structures between dusk and dawn. This shall be coordinated with the Alabama Marine Police Division.
2. The applicant must reduce the lakeward extension of the facility by 17 feet to extend into the channel no further than 1/3 of the distance to the opposite shoreline to allow for safe passage for through boaters. The harbor limits would be established at the limits of the structure only, i.e., 283 feet long by 321 feet wide.
3. The applicant will be responsible for installing and maintaining no-wake signs, including maintaining proper placement. They must remain legible to the boating public and located within marina confines only.

Conclusion and Findings

TVA has independently reviewed the USACE EA and found it to be adequate. TVA is therefore adopting this EA. TVA has determined that the approval under Section 26a of the *TVA Act* for the proposed commercial marina and loading dock project would not be a major federal action significantly affecting the quality of the environment. Accordingly, an environmental impact

statement is not required. This finding of no significant impact is contingent upon adherence to the permit conditions and completion of the mitigation measures described above and in the attached USACE EA.



December 10, 2008

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Date Signed